

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 987 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT
and
Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJ STATE ROAD TRANSPORT CORPN

Versus

THAKORLAL CHIMANLAL MODI

Appearance:

1. First Appeal No. 987 of 1989
MR KN RAVAL for Appellant
NOTICE UNSERVED for Respondent No. 1,3
MR HARDIK C RAWAL for Respondent No. 1-3
MR DEVANG T SHAH for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE M.C.PATEL

Date of decision: 03/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. On a joint request of the learned counsel for the respective parties, this appeal is taken up for final hearing today.

2. This is an appeal under Section 110 (D) of the Motor Vehicles Act, 1939 at the instance of the Gujarat State Road Transport Corporation, the owner of the offending vehicle which has caused the accident in question.

3. We have heard the learned counsel for the respective parties extensively on the merits of their contentions, and we have been taken extensively through the impugned judgment and award. We have also referred to such evidentiary material on record to which our attention has been drawn.

4. As a result of the hearing and discussion, the learned counsel for the respective parties have arrived at a consensus on the basis of which they state that they leave, to the discretion of the court, the determination of just and fair amount of compensation to be awarded without the necessity of giving reasons for the same.

5. Accordingly, we have applied our minds to all the relevant facts and circumstances on record, and we find that the interests of justice would be served by awarding the respondents - claimants an aggregate amount of compensation in the sum of Rs.54,000/- (Rupees Fifty four thousand only) instead of Rs.66,000/- awarded by the Tribunal under the impugned judgment and award. We hold and direct accordingly. This appeal is, therefore, partly allowed with no orders as to costs.

6. Decree accordingly.

7. It is clarified that the impugned judgment and award is modified only to the aforesaid extent and the rest of the award stands confirmed.

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